

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

ORDER NO. RE-2002-0080

**AMENDMENT OF WASTE DISCHARGE REQUIREMENTS
ORDER NO. 94-166 AND
RESCISSION OF ORDER NO. 99-084**

**MIRANT DELTA, LLC
PITTSBURG POWER PLANT
PITTSBURG, CONTRA COSTA COUNTY**

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board), finds:

1. On October 20, 1999 the Board issued amended Waste Discharge Requirements Order No. 99-084 to Southern Energy Delta, LLC's Pittsburg Power Plant (hereinafter called the facility) located at 696 West Tenth Street in Pittsburg California. The Order amended the waste discharge requirements contained in Order No. 94-166.
2. Order No. 94-166 set forth operational and monitoring requirements for the facility's Class I and Class II surface impoundments, as well as granted Pacific Gas and Electric Company (PG&E) Toxic Pits Cleanup Act (TPCA) exemptions for the facility's Class I surface impoundments.
3. Order No. 99-084 reflected new ownership of the facility and transferred TPCA exemptions for the facility's Class I surface impoundments from PG&E to the new owner, Southern Energy Delta LLC.
4. On January 19, 2001, Southern Energy Delta, LLC changed its corporate name to Mirant Delta, LLC (hereinafter called the Discharger).
5. The current Toxic Pits Cleanup Act exemption is scheduled to expire on September 16, 2002. The exemption allows discharge into the following Class I surface impoundments located at the facility:
 - a. Boiler Chemical Cleaning Solution Pond
 - b. Boiler Chemical Cleaning Rinse Pond
 - c. Air Preheater Wash Pond
 - d. Demineralizer Neutralization Pond

1. **Purpose of Order Amendment:** The purpose of this amendment is to reflect the name change of the facility and to grant Toxic Pits Cleanup Act exemptions. This Order rescinds Order No. 99-084, and amends Order No. 94-166.

THE TOXIC PITS CLEANUP ACT

2. The Toxic Pits Cleanup Act of 1984 is contained in Section 25122.7 and Section 25208 in the California Health and Safety Code (HSC).
3. Section 25208.4 of the HSC requires that on or after June 30, 1988, no person shall discharge liquid hazardous wastes or hazardous wastes containing free liquids into a surface impoundment, if the surface impoundment, or the land immediately beneath it, contains hazardous wastes and is within one-half mile upgradient from a potential source of drinking water. Note that pursuant to Section 25208.2(f) "discharge" includes the storage of liquid hazardous wastes or hazardous wastes containing free liquids.
4. Section 25208.4(b) allows the Discharger to apply to the Regional Board for an exemption from subsection 25208(a). Any exemption shall not be effective for more than five years. To apply for an exemption the Discharger must:
 - a. Demonstrate that extremely hazardous wastes are not currently being discharged into the surface impoundment, and either one of the following applies:
 1. The records of the Discharger indicate that no extremely hazardous wastes have been discharged into the surface impoundment.
 2. Extremely hazardous wastes are not present in the surface impoundment, vadose zone, or groundwater.
 - b. Demonstrate that the surface impoundment is in compliance with construction standards and the Discharger has submitted a hydrogeologic assessment report.
1. Section 25208.4(c) of the TPCA prohibits the discharge of any restricted hazardous waste into a surface impoundment, unless the person is granted an exemption to the section pursuant to Section 25208.16. Any exemption shall not be effective for more than five years.

TOXIC PITS CLEANUP ACT EXEMPTIONS COMPLIANCE FINDINGS

2. The Discharger requested renewal of exemptions from Section 25208.4(a) and Section 25208.4(c) of the Toxic Pits Cleanup Act in a letter to the Regional Water Quality Control Board dated March 20, 2002. A renewal of the exemptions fee was not required.
3. Based on a review of the existing data and the Discharger's operational procedures, in accordance with Section 25208.4(b)(2) and 25208.16 of the Toxic Pits Cleanup Act, which

establishes requirements the Discharger must meet to be granted the exemptions the Regional Board finds:

- a. No hazardous waste constituents have migrated from the surface impoundments into vadose zone, or waters of the state in concentrations, which pollute the vadose zone, or pollute, or threaten to pollute, the waters of the state.
- b. Continuing the operation of the surface impoundments does not pose a significant potential of hazardous waste constituents migrating from the surface impoundments into the vadose zone or waters of the State.
- c. No extremely hazardous wastes have been or are being discharged into the surface impoundments.
- d. The surface impoundments are used for temporary storage and noncontinuous batch treatment of restricted hazardous waste.
- e. The discharger has triple lined all Class I ponds with 80 mil High Density Polyethylene, installed a Geotextile/Geonet material between the liners to serve as a leachate collection system, and has installed a sump/pipe system for leachate collection and removal.
- f. All hazardous wastes are removed after each batch treatment within 30 days of discharge, if a discharge into the surface impoundment contains restricted hazardous waste. The surface impoundments are visually inspected prior to each use and tested for integrity at least annually.
- g. The impoundments are in compliance with the construction criteria and groundwater monitoring requirements of Section 25208.5, and a Hydrogeological Assessment Report has been filed with this Board as required by the Toxic Pits Cleanup Act, Section 25208.8.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. This is an existing facility. Therefore, this action is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Title 14 of the California Code of Regulations.

NOTICE AND PUBLIC MEETING

2. **Public Notice:** The Board has notified the discharger and interested agencies and persons of its intent to amend the Waste Discharge Requirements, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

3. **Public Meeting:** The Board, in a public meeting, heard and considered all comments pertaining to this amendment of Waste Discharge Requirements.

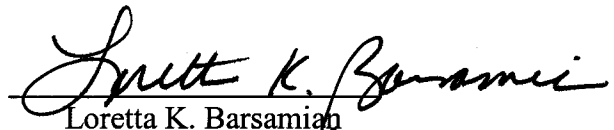
IT IS HEREBY ORDERED that Order No. 94-166 shall be amended as follows:

1. Mirant Delta, LLC is added as the new owner and operator of the facility.
2. **Amended Provisions:**
Provisions F1 and F2 of Order No. 94-166 are amended as follows:
 - a. The four Class I surface impoundments listed in Finding 5 above, are granted an exemption of no more than five years, commencing September 16, 2002, for discharging liquid hazardous waste pursuant to Section 25208.4(a) of the Toxic Pits Cleanup Act. The next exemption renewal must be granted by: **September 16, 2007**
 - b. The Class I surface impoundments listed in Finding 5 above, except the Demineralized Neutralization Pond, are granted an exemption of no more than five years, commencing September 16, 2002, for discharging restricted hazardous waste pursuant to Section 25208.4(c) of the Toxic Pits Cleanup Act. The next exemption renewal must be granted by: **September 16, 2007**

Rescission of Order No. 99-084

1. Waste Discharge Requirements Order No. 99-084 is hereby rescinded

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on August 20, 2002


Loretta K. Barsamian
Executive Officer

Attachments:
Figure 1- Site Map

